



STATE BOARD OF INSURANCE

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NICHOLAS MURPHY, Chief Clerk

August 23, 1991

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The Honorable Dan Morales
Attorney General of Texas
Price Daniels Building
P.O. Box 12548
Austin, Texas 78711-2548

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Opinion Committee

Will
be submitted

Dear General Morales:

As Members of the State Board of Insurance we respectfully request your opinion on the following:

1. What is the legal status of a State Board order which has been adopted by vote, filed with the Secretary of State and published in the Texas Register, but has been prepared in written order form and signed by the Board Members? ~~and~~
 - a. Does the legal status vary according to whether Board action is governed by Articles 5.96 or 5.97 of the Insurance Code or Article 6252-13a, Tex. Civ. Stats.?
 - b. Is the legal status affected by an interim change in Board membership affecting the voting majority?
 - c. Is the legal status affected if Texas Register publication of the order has not yet occurred?
2. Is it legally permissible for staff to prepare Board Orders of Board decisions and sign them with facsimile signatures without further review or official action by the Board?

Since we believe that the validity of a number of Board decisions are affected by past procedures giving rise to these questions we would ask for your earliest attention to this matter. Thank you.

Very truly yours,

Claire KoriOTH
Claire KoriOTH
Chair

Alene D. Evans
Alene D. Evans
Board Member